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1271 Avenue of the Americas | New York, NY 10020
blankrome.com

Phone: (212) 885-5148
Fax: (917) 591-7897
Email: deborah.skakel@blankrome.com

May 13, 2022

VIA ECF

The Honorable John G. Koeltl
United States District Judge
United States District Court – S.D.N.Y.
500 Pearl Street, Room 14A
New York, New York 10007

**Re: City of Almaty, Kazakhstan, et ano. v. Mukhtar Ablyazov, et al.,
No. 1:15-cv-05345 (JGK) (KHP)**

Dear Judge Koeltl:

We represent Triadou SPV S.A. (“Triadou”) in the above-referenced case and write jointly with BTA Bank JSC in response to the Court’s Order dated May 5, 2022, regarding suggested trial dates. (ECF 1498).

As Triadou explained during the May 5 status conference, its counsel have conflicts that make the October 3 trial start date unworkable. Because the parties anticipate that any trial of this case will require three weeks, we propose to commence trial on Monday, October 31, 2022, or in the alternative, on Monday, November 28, 2022 (and if the Court desires, the parties can also be available for jury selection the week before trial). Based on discussions with the Court’s Clerk, the parties understand that both sets of proposed dates would place their trial in second position to criminal trials already scheduled on the Court’s calendar (and subject to the Court’s COVID-19 protocols).

Additionally, the parties respectfully ask the Court to extend the time to submit responses and objections to pretrial filings by two weeks, from July 15 to July 29, 2022. While the parties will continue to seek amicable resolution of evidentiary and other pretrial disputes where possible, the record in this case is voluminous, and each side is likely to file several motions *in limine*. Given the anticipated volume of submissions due on July 8 (including the Joint Pretrial Report, motions *in limine*, requests to charge, findings of fact, and conclusions of law), the parties are very likely to require additional time to prepare responses and objections. This is the parties’ first request to extend this Court’s new pretrial schedule. Pursuant to Rule I(E) of the Court’s Individual Practices, a proposed order is attached as Exhibit A for the Court’s convenience.

Regarding the mechanics of submission, Rule IV(A)(9) of the Court’s Individual Practices provides that each party must submit a designation “of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.” Given the number of transcripts involved and the significant overlap in designated witnesses and testimony, the parties propose instead that each will submit a chart appended to the Joint Pretrial Report. The chart will include, for each relevant witness and transcript, a single column reflecting all of their designations (affirmative and counter designations) and a second column reflecting the other party’s objections. For the Court’s convenience, the parties also propose to submit a flash drive

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or CD-ROM (whichever the Court prefers) containing a copy of each deposition transcript with the designated portions highlighted in different colors to reflect those proposed by each party and overlapping designations.

Finally, the parties do not see a rule in the Court's Individual Practices that requires the submission of proposed trial exhibits along with exhibit lists. To the extent the Court would like the parties to submit exhibits, and given the nature and volume of the anticipated trial exhibits, the parties respectfully request permission to do so via flash drive, CD-ROM, or whichever digital format the Court prefers.

Thank you for your consideration of this request.

Respectfully submitted,

s/ Deborah A. Skakel
Deborah A. Skakel